

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE
ON DISARMAMENT

ENDC/PV.329
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THE UNIVERSITY
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FINAL VERBATIM RECORD OF THE THREE HUNDRED AND TWENTY-NINTH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 12 September 1967, at 10.30 a.m.

Chairman:

Mr. A. ZELLEKE (Ethiopia)

PRESENT AT THE TABLE

<u>Brazil:</u>	Mr. A. da COSTA GUIMARAES Mr. S. de QUEIROZ DUARTE
<u>Bulgaria:</u>	Mr. K. CHRISTOV Mr. B. KONSTANTINOV Mr. T. DAMIANOV
<u>Burma;</u>	U KYAW MIN
<u>Canada:</u>	Mr. E.L.M. BURNS Mr. J.R. MORDEN Mr. A. BERNIER
<u>Czechoslovakia:</u>	Mr. P. WINKLER Mr. V. VAJNAR Mr. J. STRUCKA
<u>Ethiopia:</u>	Mr. A. ZELLEKE Mr. B. ASSFAW
<u>India:</u>	Mr. N. KRISHNAN Mr. K.P. JAIN
<u>Italy:</u>	Mr. R. CARACCIOLO Mr. G.P. TOZZOLI Mr. E. FRANCO Mr. F. SORO
<u>Mexico:</u>	Mr. J. CASTANEDA Miss E. AGUIRRE
<u>Nigeria:</u>	Alhaji SULE KOLO
<u>Poland:</u>	Mr. J. GOLDBLAT Mr. E. STANIEWSKI

Romania:

Mr. N. ECOBESCO
Mr. O. IONESCO
Mr. C. GEORGESCO
Mr. A. COROIANU

Sweden:

Mr. A. EDELSTAM
Mr. R. BOMAN

Union of Soviet Socialist
Republics:

Mr. A.A. ROSHCHIN
Mr. M.V. ANTYASOV
Mr. V.V. SHUSTOV

United Arab Republic:

Mr. H. KHALLAF
Mr. A. OSMAN
Mr. O. SIRRY
Mr. M. SHAKER

United Kingdom:

The Rt.Hon. F. MULLEY
Mr. I.F. PORTER
Mr. R.I.T. CROMARTIE
Mr. R.J. O'NEILL

United States of America:

Mr. W.C. FOSTER
Mr. G. BUNN
Mr. G. BREAM
Mr. A.F. NEIDLE

Special Representative of the
Secretary-General:

Mr. D. PROTITCH

Deputy Special Representative
of the Secretary-General:

Mr. W. EPSTEIN

1. The CHAIRMAN (Ethiopia): I declare open the 329th plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.
2. Mr. BURNS (Canada): The Canadian delegation has listened with attention to the comments which other delegations have made on the draft treaties on non-proliferation which have been laid before us (ENDC/192, 193). We are now in a position to make some comments ourselves on certain of the articles in these draft treaties. Generally speaking, the Canadian Government is in agreement with the essentials of the drafts. There are, nevertheless, some points of detail on which we may have additions or changes to suggest in the course of negotiations.
3. We are satisfied with the preamble as now set out in both draft treaties. In particular we think it is important that the fifth preambular paragraph asserts support for research and development for the application of instrumental means for carrying out safeguard procedures in the International Atomic Energy Agency (IAEA) system. This paragraph helps also to emphasize the role of IAEA in administering treaty safeguards. We are likewise pleased with the sixth paragraph, which in a sense forecasts article IV, affirming the principle that non-nuclear-weapon States as well as nuclear Powers should receive the benefits of all peaceful applications of nuclear technology, including those which may be derived by nuclear Powers from the development of nuclear explosive devices.
4. We strongly favour also the principle set out in the eighth preambular paragraph, which declares the intention of the nuclear Powers parties to the treaty to make available potential benefits from peaceful applications of nuclear explosions to non-nuclear-weapon parties. I shall have more to say on that point later. We are encouraged also by the statement of intention in the ninth, tenth and eleventh preambular paragraphs to halt the nuclear arms race and then to cease the manufacture of nuclear weapons and to eliminate nuclear weapons and their delivery systems from national arsenals -- with the eventual goal of general and complete disarmament. We take this particularly as a statement of intention by the nuclear Powers and as an assurance that the non-proliferation treaty will be a step in a continuing process. As the Canadian delegation has previously argued, if this treaty is to endure the nuclear Powers must soon adopt some measures which will accord with the intentions stated in these paragraphs.

(Mr. Burns, Canada)

5. Canada finds that the key articles of the treaty, articles I and II, are satisfactory for the accomplishment of the main purpose of the treaty: the prevention of the acquisition of nuclear weapons by States other than the existing five nuclear Powers. At the same time, we find nothing in these articles which would inhibit the right of parties to participate in collective defence arrangements; nor would they impede movement towards regional arrangements for political union.
6. The Canadian delegation has long considered that there must be an effective safeguards article as an essential element in the treaty. The main purpose of such an article should be to ensure that source or special fissionable material intended for peaceful purposes is not diverted to the production of nuclear weapons or other nuclear explosive devices.
7. Wide acceptance of a recognized international safeguard system, such as that of IAEA, as a vital element in the non-proliferation treaty would in our view contribute to the security of non-nuclear signatories by providing assurance that other non-nuclear signatories could not embark on clandestine production of nuclear arms without grave risk of exposure. We have also suggested that a safeguard provision which applied in some measure to all signatories would contribute to the establishment of a reasonable balance of obligations between nuclear and non-nuclear signatories, facilitate negotiation of the treaty, and strengthen the international safeguard system (ENDC/PV.289, para. 48; PV.299, para. 42). The recent proposal by the Swedish delegation (ENDC/195) is an interesting and useful attempt to blend two principles of effectiveness and equity.
8. However, it is often difficult to retain unqualified principles in agreements between States with a wide range of different and sometimes conflicting interests. It is hardly likely that general agreement on article III will be possible without a certain amount of give and take on all sides in its negotiation. For that reason the Canadian delegation proposes to adopt a flexible position on article III pending submission of proposals by the co-Chairmen. We are keeping an open mind as regards the precise formula.
9. In studying the question of safeguards, the co-Chairmen are undoubtedly giving thought to the real problem of harmonizing the IAEA system with a regional system which has been functioning effectively for some time. It appears to the Canadian delegation that all the trained specialist personnel available to the IAEA safeguards are to be effectively enforced. Moreover, if in addressing themselves to the question

(Mr. Burns, Canada)

nuclear Powers find it impossible to accept the binding obligations of a treaty article on safeguards, we should ask them to consider undertaking specific safeguard obligations voluntarily, outside the framework of the treaty. We cannot believe that there would be any real objection to their accepting some safeguards on their civil nuclear activities. Indeed, certain nuclear Powers have already indicated willingness to move in that direction. At all events we would urge the co-Chairmen to apply themselves diligently to working out a safeguard formula that will take account of the interests of all signatories and be generally acceptable to the majority.

10. I have already mentioned that we are pleased with article IV, which states the principle that nothing in the treaty should affect the inalienable right of all parties to develop research, production and use of nuclear energy for peaceful purposes, so long as nothing is done in contravention of articles I and II. We feel that if the principles set out in that article are put into effect they will encourage peaceful nuclear development in States without nuclear weapons. We should like to raise the point, however, that when there is an agreement on article III, as we hope there soon will be, it may be that some consequential redrafting of article IV will become necessary.

11. Those are the only general remarks I wished to make for the present in regard to the principal treaty articles, but I reserve the right, of course, to make further interventions, especially in regard to article III when it is presented.

12. I should like now to turn to the question of peaceful nuclear explosions, which has been the theme of statements by several members of the Committee. The draft treaty before us contains, as we all know, a preambular paragraph which begins:

"Declaring their intention that potential benefits from any peaceful applications of nuclear explosions should be available through appropriate international procedures to non-nuclear-weapon States Party to this Treaty..." (ENDC/192, 193, p.2)

All the nuclear Powers members of this Conference have stated, and more than once, that there should be an international agreement or convention worked out to provide the basis for such co-operation. I would quote the following statements.

13. First, Mr. Foster, the representative of the United States, said at our meeting of 8 June:

(Mr. Burns, Canada)

"I should like at this time to stress that the procedures for international co-operation in accomplishing peaceful nuclear explosive projects should be developed in full consultation with the non-nuclear-weapon States. We have not had to be prodded in order to initiate discussion of these procedures. For our part, we welcome exploration and comment by others. Finally, we would envisage, as suggested by Mr. Roshchin at our meeting of 18 May, that the conditions for carrying out nuclear explosions could be resolved through separate international agreement." (ENDC/PV.303, para.15)

14. At our meeting of 13 July Mr. Roshchin, representative of the Soviet Union, said the following:

"Obviously, in doing so, it should not infringe upon the interests of States which would wish in the future to use nuclear explosive devices in order to carry out some particular project in the field of economic development. We consider that this problem, including the procedure and conditions for carrying out nuclear explosions for peaceful purposes, could be settled on the basis of a separate international agreement. Thus the question of nuclear explosions for peaceful purposes should not be an obstacle to the achievement of an agreement on the non-proliferation of nuclear weapons."

(ENDC/PV.313, para. 13)

15. I quote next from what Lord Chalfont, then the representative of the United Kingdom, said at our meeting of 25 May:

"... if there is one thing that has become clearer to me than any other in the two-and-a-half years in which I have been engaged with my colleagues here on these negotiations, it is the crying need to develop our existing international machinery for managing the whole business, complicated already and growing more so every day, of the application of nuclear energy to productive and peaceful needs. This applies not only to the vexed question of the exploitation of nuclear explosives for peaceful purposes, if needed that ever becomes an effective engineering technique. Here perhaps I may add that nothing that has been said in this Committee or elsewhere has yet convinced me that there is any real difference, in either military or political terms, between a so-called peaceful nuclear device and a nuclear weapon."

(ENDC/PV.299, para. 14)

(Mr. Burns, Canada)

16. On that point non-aligned members of the Committee also have expressed views, from which I shall quote. Mrs. Myrdal, the representative of Sweden, said at the meeting of 6 June:

"The right of decision to allow explosions for peaceful purposes should be granted to an international organ. This would assure the equitable use of such explosions. Perhaps the International Atomic Energy Agency (IAEA) might be given this right, as suggested by Mr. Foster in the statement I have already cited (ENDC/PV.295, para. 75). Out of concern for the disarmament effect, i.e. to avoid any risk of proliferation of nuclear arms, the stocks of explosives will have to remain with the nuclear-weapon Powers. But for economic reasons, as well as for health reasons, no private or national discretionary power should be allowed to give the final permission for the employment of explosives. Thus, their use by the nuclear-weapon Powers also should be the object of a licensing procedure. This is the ideal situation that I would like us to strive for." (ENDC/PV.302, para. 20)

17. Then, at our meeting of 13 June Mr. Castañeda, the representative of Mexico, said:

"Obviously no country would agree to remain in a situation of such dependence upon others in this respect. But the best way to avoid it, in our opinion, would consist not so much in keeping open a costly and dangerous option -- which in addition is purely theoretical -- but rather in thoroughly exploring straightaway the whole gamut of possibilities offered by international co-operation. We sincerely believe that in reality no dilemma is posed. It will be possible to benefit from atomic explosions for peaceful purposes without proliferating nuclear weapons. As the delegation of Sweden has rightly pointed out (ENDC/PV.302, paras. 18 et seq.), what will be forbidden under the treaty will be the manufacture of nuclear devices -- which at present cannot be distinguished from nuclear weapons -- but not their use in appropriate conditions of handling, control and perhaps international licensing." (ENDC/PV.304, para. 15)

18. Finally, the representative of Nigeria, Alhaji Sule Kolo, at our meeting of 31 August said:

(Mr. Burns, Canada)

"The Nigerian delegation doubts very much whether the non-nuclear Powers should -- nor would it be correct to ask them to -- accept a treaty which would place them in a position of perpetual inferiority in any field of knowledge. Consequently, if a treaty is to be lasting, it should provide, among other things, guarantees that non-nuclear-weapon Powers would not only have nuclear explosives, through an international organization, for their peaceful projects but also have opportunities for their scientists to develop to the full their intellectual capabilities in all fields, including that of nuclear-explosive technology." (ENDC/PV.327, para. 57)

19. Canada is interested in this subject and is concerned that the possibility of applying nuclear explosions to the development of certain natural resources should be clearly defined. We have, of course, been giving thought to the problem. We think that such a convention or agreement outside the treaty should contain the following elements. I am giving these only in quite general terms. It is not our intention to present what follows as a definitive text.

20. There should be a preambular paragraph stating that nuclear Powers are carrying out studies and experiments in the use of nuclear explosives for peaceful purposes such as engineering works, facilitating the exploitation of natural resources and so forth. Another preambular paragraph should emphasize that there is no scientific or technological difference between nuclear explosions for peaceful purposes and those for warlike purposes, and that therefore a country developing and owning nuclear explosive devices would in effect be acquiring nuclear weapons with the consequent ability to use them in war.

21. Another preambular paragraph should contain the thought that, if the technology is developed to the point that use of nuclear explosives for peaceful purposes is feasible and economical, nations signatory to a non-proliferation treaty should participate in the benefits of that technology. A further preambular paragraph might recite the recognition of the nuclear Powers that some means to make these benefits available to States not possessing nuclear weapons should be created without at the same time creating the possibility of their acquiring nuclear weapons under cover of peaceful nuclear activities.

22. Substantive articles in the agreement might, we suggest, cover the following points.

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(1) A State not possessing nuclear weapons which desires to carry out a project of an engineering or other nature through the use of nuclear explosives should submit a request to an international agency with authority to assess and negotiate such projects -- possibly IAEA -- and that international agency would have the responsibility of assessing the practicability and economy of the proposed project and, if it were found feasible and economical, of assisting in negotiations between the applicant State and one or more nuclear Powers.

(2) The nuclear Powers would agree to provide on request through the specified international authority the explosive devices, technical advice and assistance for the carrying out of nuclear explosions required by non-nuclear States to effect engineering works, exploitation of natural resources or any other use of nuclear explosives for economic development. The charges to such non-nuclear States for the explosive devices used should be as low as possible and exclude any charges for research and development.

(3) Such arrangements should provide for international observation and appropriate international safeguards to ensure that nuclear explosive services are directed to peaceful applications only and are consistent with international obligations of States parties to this convention under the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water of 1963 (ENDC/100/Rev.1), the statute of IAEA and other relevant international agreements.

(4) Nuclear devices employed in nuclear explosive service for peaceful applications should remain in the custody of and under the control of nuclear-weapon States providing such services.

(5) Finally, the nuclear Powers should undertake to make available to non-nuclear States full information in regard to the possibilities for using nuclear explosives for peaceful purposes, as developed in their studies and experiments.

23. I will pass now to another point. During the course of our discussion of a non-proliferation treaty, some attention has been given to the question of security assurances for non-nuclear signatories of the treaty. We agree that that is an important matter requiring very serious consideration. While we think that to add an article on security assurances would encumber the treaty and enormously complicate and prolong negotiation, it seems to us important that steps be taken to meet the concern of certain non-nuclear States with regard to security.

(Mr. Burns, Canada)

24. There would seem to be two general ways in which to achieve that objective. The first would be by means of unilateral declarations to be made by nuclear Powers at the time the treaty is opened for signature. Separate declarations using similar language might record the intention of nuclear Powers to assist non-nuclear States which sign the non-proliferation treaty and which are subsequently subjected to nuclear attack or threatened with it. They might also incorporate an undertaking that nuclear weapons will not be used against non-nuclear States signatory to the treaty which are not allied with a nuclear Power.

25. A second method of achieving the same general objective might be to proceed by way of a United Nations resolution incorporating in its substantive paragraphs assurances similar to those I have just mentioned. Such a resolution might also take account of the special responsibility placed on the Security Council under the United Nations Charter for maintaining peace and resisting aggression. Since these undertakings would weigh most heavily on the nuclear Powers, we would urge the sponsors of the draft treaties, in consultation with other members of our Committee, to address themselves seriously to this question.

26. In concluding our remarks on the draft treaties, we wish to say that we believe that the interests of States not possessing nuclear weapons would be safeguarded under the procedures for amendment, review and withdrawal which are set out in articles V and VII. We believe that in the interests of all signatories the treaty should be of unlimited duration. A treaty of fixed duration would be subject to disintegration at the end of the prescribed period and hence would be considerably less effective.

27. That is all the Canadian delegation wishes to say at the present time in regard to the draft treaties on non-proliferation which have been presented to us by the delegations of the United States and of the Soviet Union.

The Conference decided to issue the following communiqué

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 329th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. A. Zelleke, representative of Canada.

"A statement was made by the representative of Canada.

"The next meeting of the Conference will be held on Thursday, 14 September 1967, at 10.30 a.m."

The meeting rose at 11.5 a.m.

